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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,297	02/06/2004	Kentaro Fujibayashi	392.1867	4937
21171	7590	03/27/2007	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CHANG, SUNRAY	
		ART UNIT	PAPER NUMBER	
		2121		

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/772,297	FUJIBAYASHI ET AL.	
Examiner	Art Unit		
Sunray Chang	2121		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 December 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/21/06 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

1. This office action is in responsive to the paper filed on December 28<sup>th</sup>, 2006.

Claims 1 – 5 are presented for examination.

Claims 1 – 5 are rejected.

Claim 6 has been cancelled.

**Double Patenting**

2. **Claims 1 – 5 are provisionally rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1 and 2 of U.S. Patent No. 6,897,626**.

Although the conflicting claims are not identical, they are not patentably distinct from each other because, for example, current application [10/772,297] claiming a position control device for controlling a controlled axis in accordance with a command movement to drive a servomotor controlling the controlled axis having means of calculating the position of the controlled axis, a virtual axis and controlling the virtual axis driving the controlled axis following the virtual axis.

U.S. Patent No. 6,897,626 teaches a synchronous controller for driving a slave axis to synchronously follow a master axis performing a composite motion of a plurality of axes, comprising: a master-axis motion amount calculation section for calculating a motion command amount of the master axis by combining motion command amounts of the plurality of axes at every predetermined period; and a synchronous processing section for calculating a motion command amount of the slave axis at every predetermined period based on the motion command amount of the master axis calculated by said master-axis motion amount calculation section to be outputted for the slave axis.

This is a non-provisional obviousness-type double patenting rejection because the conflicting claims have been patented on May 24<sup>th</sup>, 2005.

**Response to Amendment**

**Claim Rejections - 35 USC § 112**

3. Applicants amend the claims 1 – 3 to overcome the 112(2) rejection; the examiner has withdrawn forth 112(2) rejections.

**Claim Rejections - 35 USC § 102**

4. Applicants amend the claims 1 – 3 to overcome the 103(a) rejections; the examiner has withdrawn the forth 103(a) rejections.

5. The claims 1 – 5 have been amended, yet, the amended claims conflicting with claims 1 and 2 of U.S. Patent No. 6,897,626 which claiming the same subject matters. Further Double Patenting rejection have been cited by the examiner based on U.S. Patent No. 6,897,626.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. via telephone number (571) 272-3682 or facsimile transmission (571) 273-3682 or email [sunray.chang@uspto.gov](mailto:sunray.chang@uspto.gov).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687.

The official facsimile transmission number for the organization where this application or proceeding is assigned is (571) 273-8300.



Anthony Knight  
Supervisory Primary Examiner  
Group Art Unit 2121  
Technology Center 2100  
U.S. Patent and Trademark Office

March 12, 2007


**ATTACHMENT 1(g)**

<b>LIST OF ADDITIONAL SUBMITTED DOCUMENTS</b>	ATTORNEY DOCKET NO.	APPLICATION NO.
	392.1867	10/772,297
	FIRST NAMED INVENTOR	
	Kentaro FUJIBAYASHI, et al.	
FILING DATE	GROUP ART UNIT	
February 6, 2004	2121	

The following document(s) is/are listed in accordance with the duty of disclosure provisions of 37 CFR § 1.56, so that the Examiner may consider same should he deem any thereof to be material to examination of the subject application.

It is requested that the Examiner acknowledge his consideration of document(s) below-listed by initialling same in the space provided adjacent each such application and that the Examiner sign and date this form at the bottom thereof to confirm such consideration having been given.

**This submission in no way represents an admission that any of the information listed herein constitutes prior art with respect to the subject application; and unless and until such prior art status is established, this submission is not a request that the information presented herein be printed on the face of any patent issuing from the subject application in which this information is being filed.**

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						

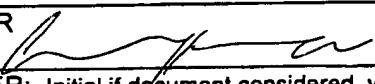
**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES NO
	AC						
	AD						

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

TRANSLATION YES NO
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<i>AC.</i>	AE	Japanese Office Action for Application No. 2003-034203; dated July 4, 2006	Abstract	
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EXAMINER 	DATE CONSIDERED <i>3/19/07</i>
*EXAMINER: Initial if document considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



Sheet 1 of 1

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 392.1867	APPLICATION NO. 10/772,297
<b>INFORMATION DISCLOSURE STATEMENT</b> <i>(Use several sheets if necessary)</i>		FIRST NAMED INVENTOR Kentaro FUJIBAYASHI, et al.	
		FILING DATE February 6, 2004	GROUP ART UNIT 2121

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES   NO	ABSTRACT
<i>AM</i>	AG	07-104855	04-21-1995	Japan		X
	AH					
	AI					
	AJ					
	AK					
	AL					

**OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)**

TRANSLATION YES   NO

	AM		
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EXAMINER	DATE CONSIDERED
<i>AM</i>	3/19/07

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination	
		10/772,297	FUJIBAYASHI ET AL.	
Examiner		Art Unit		Page 1 of 1
Sunray Chang		2121		

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,897,626	05-2005	Fujibayashi et al.	318/85
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

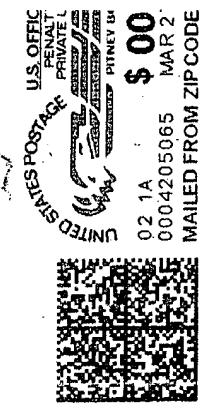
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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